

**Community Advisory Group
Herculaneum, MO 63048**

CAG Core Team Leaders:

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April 19, 2005

Missouri Dept. of Natural Resources
Attn: Doyle Childers
P.O. Box 176
Jefferson City, MO 65102-0176

U.S. Environmental Protection Agency
Attn: James B. Gulliford
901 North 5th Street
Kansas City, MO 66101

RE: Doe Run's Current Haul Route through the City of Herculaneum

Dear Mr. Childers and Mr. Gulliford:

Because of weight restrictions placed on Joachim Bridge in September 2004, the Doe Run Company is currently using an unapproved haul route that enters from the north end of Herculaneum and passes along Main Street. This route fails to protect the health of Herculaneum residents. In light of this situation, we present the following demands:

1. Beginning immediately, MDNR should sample weekly along the current haul route for better data on lead in road dust.
2. EPA should set a road standard for lead.
3. Doe Run should repave the haul roads so that lead levels are equivalent to non-haul route levels, as required by the April 2002 State Settlement Agreement.
4. MDNR should repost signs in Herculaneum to warn of lead dust in the streets.
5. Doe Run should offer to purchase homes on the residential streets that Doe Run trucks use.
6. Joachim Bridge should be rehabilitated in addition to the building of a new bridge, so that residential cars will not have to travel along the same route as Doe Run trucks.

The Administrative Order on Consent entered into by the U.S. Environmental Protection Agency (EPA) and Doe Run on December 21, 2001 required Doe Run to submit to EPA for review and approval a Transportation and Materials Handling Plan (TMHP) to address the problem of high levels of lead dust on the streets in Herculaneum, MO. The Settlement Agreement entered into by the Missouri Department of Natural Resources (MDNR) and Doe Run on April 26, 2002 required Doe Run to propose modifications to the TMHP, to be

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approved by MDNR, after Doe Run failed to meet the requirement of utilizing rail for hauling eighty percent (80%) of its lead concentrate.

The TMHP that EPA conditionally approved was put into place on October 1, 2003, requiring that Doe Run trucks travel along a single haul route. The haul route was apparently chosen from among the three options presented by Doe Run because it best met three criteria set forth at the September 12, 2002 Haul Route public meeting: (1) minimize contact with people; (2) provide a single route to be used for the trucks; and (3) restrict the route to the buyout zone.

Unfortunately, all the haul route options, including the chosen route, required passage over the Joachim Bridge, which, as stated by Mike Abram from the Herculanum Public Works Department at the September 12, 2002 Haul Route public meeting, was known to be structurally weak and prone to flooding. Community members also voiced concern about this issue at the meeting. Doe Run made no plans for the possibility of the Joachim Bridge outage, even though that possibility was known to be high.

In September 2004, weight limits were placed on the Joachim Bridge that preclude Doe Run trucks from passing over it. Since then, lead-filled Doe Run trucks have traveled along an alternate route, passing through Main Street mere feet from many residences that are not included in the buyout zone. The haul route being used does not meet the original criteria set forth and approved: it does not minimize contact with people, nor does it pass only through the buyout zone. Therefore, Doe Run is not minimizing the community's exposure to lead concentrate in compliance with the TMHP.

Although there has not been adequate sampling on the current haul route to determine trends, limited road data indicate that increased lead in road dust follows Doe Run traffic. Since Doe Run trucks stopped using the Joachim Bridge, lead levels have been falling along that route, especially the sampling points at Joachim at Ballfields and at the intersection of Station and Curved. More importantly, levels have been rising along Main Street, on the route that Doe Run began using after the Bridge was closed to their trucks, with particularly high levels at Main at Municipal Park, 543 Main, and the Main and Curved intersection. Although there is no established standard for lead in road dust, it is possible to compare these haul-route lead levels with non-haul route lead levels (Joachim and Mott sampling point) to see the scope of the contamination. As of the most recent sampling date after the bridge closure, the levels along these Main sampling points were approximately 40, 12, and 124 times higher than the non-haul route lead concentrations, respectively.

Those specific sampling points with incredibly high lead levels are included in the buyout zone, but many people live along parts of Main Street that are not in the buyout zone and are not being sampled for lead contamination. The very same lead-bearing trucks are driving by these homes and leaving behind lead-filled road dust.

Under ¶ 16 of the State Settlement Agreement, Doe Run must implement the approved TMHP in compliance with Corrective Actions specified in the Order to Abate and Cease and Desist Violations issued by MDNR to Doe Run on September 25, 2001. One of those

Corrective Actions demands that Doe Run clean haul routes to non-haul route lead concentrations or "repave hauling routes and the intersecting streets where contamination exists." Order to Abate and Cease and Desist Violations ("Order"), Section III, at ¶ 2. Because the concentrations of lead on Doe Run's haul route are dramatically higher than the lead levels on non-haul roads, Doe Run's cleaning efforts are clearly ineffective. Therefore, under the State Settlement Agreement, Doe Run must repave all haul routes, past and present, that have concentrations exceeding non-haul route concentrations. Indeed, the company should already have been doing this for quite some time.

The State Settlement Agreement (¶ 16) also provided that MDNR would "remove the signs warning of lead dust in the streets...once Doe Run begins implementing the Transportation and Materials Handling Plan." Because the criteria of the TMHP are not currently being fulfilled and trucks are driving through occupied residential areas, MDNR should alert residents to lead contamination on the roads in front of their homes by reposting the lead dust warning signs.

Doe Run's solution to the problem of contamination along the new haul route is to complete a risk assessment study. However, as mentioned in a March 9, 2005 letter from Doe Run to DNR, the study will not be completed until July 31, 2005, after which the study will have to be reviewed. Therefore, it will be many months before any solution is implemented. Given that the public is being exposed to unacceptably high lead levels *now*, postponing the development of an action plan is endangering the community's health.

MDNR has authority under the State Settlement Agreement (¶7) to "make any claim against Doe Run based on any future failure of Doe Run to comply with [the] Settlement Agreement." Additionally, the Settlement Agreement (¶19) requires that any re-routing of haul routes must be approved by MDNR and the City of Herculanum. Therefore, MDNR has the right to enforce full compliance with the TMHP to protect the citizens of Herculanum.

Again, based on the information presented in the preceding letter and the desire to protect Herculanum from lead contamination, we ask that the following demands be met:

1. Beginning immediately, MDNR should sample weekly along the current haul route for better data on lead in road dust.
2. EPA should set a road standard for lead.
3. Doe Run should repave the haul roads so that lead levels are equivalent to non-haul route levels, as required by the April 2002 State Settlement Agreement.
4. MDNR should repost signs in Herculanum to warn of lead dust in the streets.
5. Doe Run should offer to purchase homes on the residential streets that Doe Run trucks use.
6. Joachim Bridge should be rehabilitated in addition to the building of a new bridge, so that residential cars will not have to travel along the same route as Doe Run trucks.

We appreciate your prompt consideration of this matter.

Sincerely,

Greg Bieber
Catherine Malugen
Carol Miller
Tim Myers
Larry O'Leary
Leslie Warden

(signatures approved by vote taken 4/19/05-Action Meeting)

CAG Core Leadership Team
Herculaneum Community Advisory Group

cc: Mayor John Chamis, Herculaneum
Gene Gunn, USEPA Region VII
✓ Bruce Morrison, USEPA Region VII
✓ Denise Jordan-Izaguirre, ATSDR
Dave Mosby, MDNR
Bob Hinkson, MDNR
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Honorable Jim Talent, US Senate
Honorable Christopher S. Bond, US Senate
Honorable Russ Carnahan, US House of Representative
Honorable Matt Blunt, Missouri Governor
Bill Alter, Missouri Senate
Ron Casey, Missouri House of Representatives